

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TOMMY DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-1023-M
)	
JUSTIN JONES and JOSEPH TAYLOR,)	
)	
Defendants.)	

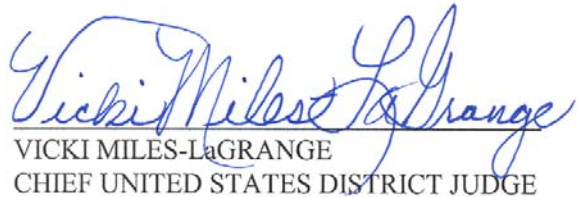
ORDER

On November 12, 2010, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking damages for alleged violations of plaintiff's constitutional rights. Because plaintiff named defendants Justin Jones and Joseph Taylor in this suit based solely on their supervisory positions within the Department of Corrections, and plaintiff stated no facts to support a conclusion that either defendant committed a deliberate, intentional act resulting in a violation of plaintiff's constitutional rights, the Magistrate Judge recommends that this matter be dismissed for the failure to state a claim upon which relief may be granted. The parties were advised of their right to object to the Report and Recommendation by December 3, 2010, and plaintiff was granted an extension of time until January 3, 2011 to respond. On December 22, 2010, plaintiff filed his objection to the Report and Recommendation.

Upon de novo review, the Court:

- (1) OVERRULES plaintiff's objections to the well-reasoned and thorough Report and Recommendation;
- (2) ADOPTS the Report and Recommendation issued by the Magistrate Judge on November 12, 2010; and
- (3) DISMISSES without prejudice plaintiff's claims against defendants.

IT IS SO ORDERED this 28th day of December, 2010.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE